

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ATLANTIS INFORMATION TECHNOLOGY,
GmbH

Plaintiff,

-against-

CA, INC.

Defendant.
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Civil Action No.
06-CV-3921(JS)(ETB)

**REPLY DECLARATION OF
ERIC J. SHIMANOFF IN
FURTHER SUPPORT OF
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT ON
DEFENDANT'S AFFIRMATIVE
DEFENSE AND COUNTER-
CLAIM FOR BREACH OF
CONTRACT**

ERIC J. SHIMANOFF, pursuant to 28 U.S.C. §1746, declares as follows:

1. I am a shareholder in the law firm of Cowan, Liebowitz & Latman, P.C., attorneys for the Plaintiff Atlantis Information Technology, GmbH ("Plaintiff" or "Atlantis"). I respectfully submit this reply declaration in further support of Plaintiff's motion for summary judgment on Defendant CA, Inc.'s ("Defendant" or "CA") affirmative defense and counterclaim for breach of contract.

2. I submit this reply declaration based on my personal knowledge and/or review of my firm's records, and if called as a witness, I would testify competently as to the matters contained herein.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the transcript of the Deposition of John Dueckman, taken on July 29, 2008 ("Dueckman I Dep.").

4. Attached hereto as **Exhibit B** is a true and correct copy of a series of emails between Alexander Gaugler of Atlantis and James McGarry of CA, dated from November 6, 2003 through December 3, 2003 [Px 23].

5. Attached hereto as **Exhibit C** is a true and correct copy of a letter from Donald

Watnick, then counsel for CA, to Dr. Meinhard Erben, then counsel for Atlantis, dated March 16, 2004 [Px 47].

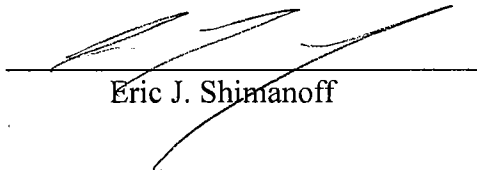
6. Attached hereto as **Exhibit D** is a true and correct copy of a series of emails among CA employees involved in the licensing and management of E/NAT from March 24, 2004 to March 31, 2004 [Px 25].

7. Attached hereto as **Exhibit E** is a true and correct copy of a series of emails among CA employees involved in the licensing and management of E/NAT from January 16, 2004 to March 26, 2004 [Px 38].

8. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the transcript of the Deposition of John Dueckman, taken on December 17, 2009 ("Dueckman II Dep.").

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of January, 2011, in New York, New York.


Eric J. Shimanoff